

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROMEO IXCOY PEREZ and ROMEO
SONTAY, individually and on behalf of
others similarly situated,

Plaintiffs,

-against-

MECHANICAL SERVICE CORP. OF NEW
YORK (D/B/A MECHANICAL SERVICE
CORP. OF NEW YORK), RALPH DEROSE,
and DOMENICK DEROSE,

Defendants.

ANALISA TORRES, District Judge:

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21 Civ. 2467 (AT)

ORDER

On September 21, 2021, the Court issued an order directing Defendants to appear at a telephonic conference to show cause why the Court should not enter a default judgment against them. ECF No. 32. The Order directed Plaintiffs to serve Defendants with a copy of the order to show cause, and their supporting papers, by personal service upon Defendants Ralph Derosé and Domenick Derosé, and by **both** first-class mail and through the Secretary of State for Defendant Mechanical Service Corp. of New York. *Id.* The affidavit of service submitted by Plaintiffs indicates that all three Defendants were served only by first-class mail. ECF No. 33. Plaintiffs' service upon Defendants is deficient, and the Court will not conduct a default judgment hearing unless Defendants have received proper notice of the hearing. Accordingly:

1. By **November 18, 2021**, Plaintiffs shall serve this order, a copy of the order to show cause, ECF No. 32, and their supporting papers, ECF Nos. 30-31, upon Defendants Ralph Derosé and Domenick Derosé via **personal service**, and by **both first-class mail and through the Secretary of State** for Defendant Mechanical Service Corp. of New York.
2. By **November 22, 2021**, Plaintiffs shall file on the docket (1) proofs of service, and (2) the Supporting Papers that were served upon Defendants (as attachments to the proofs of service).
3. By **November 30, 2021**, Defendants shall respond to Plaintiffs' motion.
4. By **December 7, 2021**, Plaintiffs shall file their reply, if any.

5. The default judgment hearing scheduled for November 17, 2021, is ADJOURNED to **January 24, 2022**, at **11:00 a.m.** The parties are directed to dial 888-398-2342 or 215-861-0674 and enter access code 5598827.

SO ORDERED.

Dated: November 16, 2021
New York, New York



ANALISA TORRES
United States District Judge